

Proposed Major Development Zoning Bylaw

To see if the Town will vote to amend the Zoning By-Law by adding a new Section 14, Major Development, and by amending Sections 3 and 4.3 to be consistent with the new Section 14, as set forth below:

Section 14 Major Development

14.1 Purpose

The purpose of this Bylaw is to foster sustainable economic growth, provide employment opportunities for residents, increase the local tax base, preserve the natural environment and working landscapes that are part of the Town's heritage, and provide for mitigation of any negative impacts caused by new development. A Major Development offers design and dimensional flexibility and may have a mix of uses that are developed as a single entity in a planned and integrated fashion consistent with Warren's small town character.

14.2 Applicability

A Major Development may take place on a parcel or set of contiguous parcels held in common ownership in the Rural District. A Major Development requires grant of a special permit from the Planning Board. The Board shall determine that the Major Development provides benefits that outweigh any adverse effects upon the Town or neighborhood, after consideration of the criteria specified in Section 14.7.

14.3 Permitted Uses

The following uses shall require a Special Permit from the Planning Board in addition to Site Plan Approval:

1. Uses otherwise permitted in the Rural District may be included in a Major Development application
2. Basic and applied research and development in the information technology, pharmaceutical, biological, biotechnology, biomedical, and engineering fields, with incidental production and product assembly, laboratory testing, and related uses
3. Light manufacturing, processing and assembling provided such uses are not offensive, objectionable or injurious to the abutting residential areas because of excessive noise, vibration, smoke, fumes, odors or other obnoxious features
4. Retail stores and commercial services, including shopping centers, malls, warehouse-type outlets, banks, restaurants and fast food restaurants
5. Hotels, inns, conference centers and function facilities
6. Indoor commercial recreation facilities
7. Heliport or helipad as an accessory use to a permitted use
8. Museums and for-profit educational institutions

14.4 Dimensional Standards

A Major Development consisting of a single use, or of a mix of uses developed as a single entity, shall conform to the following dimensional standards:

1. Minimum Tract Size: 25 acres
2. Minimum Tract Frontage: 200' on a public way
3. Setbacks: No building shall lie within one hundred feet (100') of any public street or within one hundred feet (100') of any property line.
4. Maximum Building Height: six stories
5. Maximum Lot and Building Coverage: Land covered by all principal and accessory buildings shall not exceed 25% of the total area of the lot or tract. Land covered by all impermeable surfaces, including buildings, roads, parking lots, etc., shall not exceed 50% of the total area of the lot or tract.
6. Building Separation: The minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half ($\frac{1}{2}$) the sum of the heights of the affected buildings.

14.5 Procedures

Applicants shall comply with the procedures for issuance of special permits specified in section 5.1 and with the Planning Board's Regulations for Site Plan Approval.

14.6 Design Standards

- 14.6.1 Outdoor Storage: The Planning Board shall require exposed storage areas, dumpsters, machinery, service areas, utility buildings and/or other unsightly uses to be screened from view from neighboring properties and streets through the use of walls, berms, fences or landscaping; chain link or concrete materials are prohibited.
- 14.6.2 Utility Services: All on-site utilities shall be underground, unless the Planning Board grants permission for aboveground services.
- 14.6.3 Lighting: Applicants shall submit a lighting plan from a qualified engineer that meets the functional security needs of the proposed development and does not adversely affect adjacent properties. Security cameras shall be positioned to prevent viewing of adjacent properties. All lighting shall be arranged and shielded to prevent glare from falling onto any public or private way. Each outdoor luminaire shall have a cutoff to prevent light trespass into the night sky. No light source shall be taller than twenty-five feet (25') and shall be in a style approved by the Planning Board. The Planning Board may allow outdoor recreational uses that require nighttime visibility to exceed these standards provided the lighting does not constitute a hazard to motorists or a nuisance to adjacent properties.
- 14.6.4 Landscaping
 1. A landscape plan drawn to scale, including dimensions and distances shall be prepared by a registered landscape architect. The plan shall delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials and tree cover.
 2. A minimum of five (5) per cent of the interior area of parking lots having twenty-five (25) or more spaces shall contain landscaping to provide visual breaks of large extents of pavement.

Landscaping shall also be provided around the perimeter of such lots for a width of ten feet (10') and planted with trees and shrubs, the size and type of which shall be subject to Planning Board approval.

3. The property owner shall continually maintain all landscaped areas and replace dead or diseased trees and shrubs within one growing season.

14.6.5 Stormwater Management: Stormwater management systems shall incorporate “Best Management Practices” (BMP) as prescribed by the Massachusetts Department of Environmental Protection and employ Low Impact Development (LID) strategies. The BMP/LID design should decentralize stormwater management measures in order to mitigate post-development downstream impacts and achieve the highest level of water quality for all stormwater runoff. The stormwater design should include elements such as landscaped swales, vegetated rain-gardens, infiltration trenches, dry wells, permeable pavements and other runoff control features that serve to achieve BMP/LID goals.

14.6.6 Noise

- (1) Sources of noise shall not be objectionable due to intermittence, frequency, shrillness, or volume.
- (2) The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line of the sound source:

Sound Pressure Level Limits Measured in dB(A)'s

7 AM - 6 PM	6 PM - 7 AM
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55	45
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- (3) Noise measurements shall be determined by use of a sound level meter meeting the standards of the American National Standards Institute (ANSI). The instrument shall be set to the A-weighted response scale, which automatically takes into account the varying effect on the human ear of different pitches. Independent noise measurements shall be made under the direction of the Planning Board’s engineering consultant.
- (4) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than ten minutes in an hour are permissible up to a level of 10 dB(A) in excess of the figures listed above, except that this higher level of permissible noise shall not apply from 7 PM to 8 AM. Measurements of impact noise shall use the fast response of the sound level meter.
- (5) This section shall not apply to construction equipment between the hours of 7:00 AM to 7:00 PM weekdays, to farm equipment, or to outdoor parades or festivals authorized by the Board of Selectmen.

14.6.7 Hazardous Materials: If a Major Development includes the storage or use of Toxic or Hazardous Materials, as defined in Section 9.3, the applicant shall comply with the provisions of Section 9.7 E. The owner or operator of the Major Development shall arrange for an annual inspection by the Fire Chief and shall promptly comply with the Chief’s requirements.

14.6.8 Billboards: Billboards are prohibited.

14.7 Decision Criteria

In addition to the special permit criteria in Section 5.1, the Planning Board may grant a Special Permit for a Major Development if it finds that the Development will:

1. Mitigate impacts to abutting land and natural resources from air or water pollution, noise, dust, vibration, lighting, or stormwater runoff.
2. Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency. The Planning Board may require a transportation study from a qualified traffic engineer that documents existing conditions and projects the change in Level of Service (LOS) caused by the development. The Board may require off-site traffic mitigation measures to assure safety and adequate capacity at points of ingress and egress and at nearby intersections.
3. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water supply and pressure for fire protection, septic/sewer capacity, and stormwater runoff.
4. Provide for visual and noise buffering of the development to minimize impacts to abutting properties.
5. Have a mass, scale, and design that is consistent with Warren's small-town character.
6. Protect the public health, safety, welfare, comfort, and convenience of the Town.
7. Preserve natural and cultural features on the site and minimize alteration of the natural environment. These include wetlands, vernal pools, streams, ground water, water bodies, rare species habitats, scenic views, and archaeological and historic features.
8. Provide a positive fiscal impact on the Town, i.e. one that generates more local revenue than the total cost to the Town of providing municipal services to the development, as determined by an independent economic and fiscal impact analysis.
9. Not have a detrimental effect on a school or the school system.
10. Have a positive impact on creating jobs for Warren residents.

14.8 Modification

The Board may modify or waive any requirement of this Section upon finding that due to topography, location, or unusual conditions affecting the property, the requirements would unreasonably restrict development of the property. In modifying or waiving these provisions, the Board may impose conditions it deems necessary to protect the public interest and promote the orderly development of Warren.

Amend Section 1.4, Definitions, by adding definitions of the following terms:

Commercial Recreational Facility, Indoor: A structure for recreational, social or amusement purposes, which may include the consumption of food and drink. Such facilities include theatres, concert halls, skating rinks, bowling alleys, health clubs, dance studios, horse riding stable with covered arena, covered sports centers, or other commercial recreation centers conducted for profit or not for profit.

Commercial Recreational Facility, Outdoor: Golf course, driving range, bathing beach, swimming pool, sports club, horse riding stable with outdoor arena/trails, game preserve, outdoor sports fields or stadiums, or other commercial recreation carried on in whole or in part outdoors, whether for profit or not for profit. Outdoor commercial recreation shall not include motocross, motorsports, motor vehicle racing, or similar motorized activities.

Amend Section 3 Use Regulations, by adding a new unnumbered paragraph, in numerical order of the new section number, after “N = Use Prohibited”:

Major Development in the Rural District is regulated by Section 14.

Amend Section 4.3, Special Dimensional Requirements, by adding a new subsection, as follows:

4.36 Provisions Applicable to Major Development in the Rural District.

See Section 14.

Or take any action relative thereto.